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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,056	12/21/1999	PAUL MERTES	2345/86	3457

26646 7590 07/20/2006

KENYON & KENYON LLP
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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/381,056

Applicant(s)

MERTES ET AL.

Examiner

Courtney D. Fields

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection. *JD 7/17/06*
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 27 June 2006. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 4-9.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argues that the prior art (Bathrick) does not identically disclose or suggest the features of causing the trust center to provide the user with a previously generated, personalized, and certified signature key pair, and with components for producing at least one encryption key pair, unequivocally assigning the at least one encryption key pair to the user, causing the trust center to check the unequivocal assignment of the at least one encryption key pair by using a public part of the previously generated signature key pair, after the check of the unequivocal assignment is performed successfully, causing the trust center to produce a new certificate by using at least one of the public part of the previously generated signature key pair and the public part of the at least one encryption key pair, and encrypting the new certificate using the public key part of the at least one encryption key pair. The Examiner respectfully disagrees and asserts that Bathrick discloses the features of causing the certifying authority (equivalent to a trust center) to provide the entity (equivalent to the user) with a previously generated, personalized, and certified signature key pair as shown in Column 2, lines 19-40. The certifying authority (equivalent to a trust center) provides the entity (equivalent to the user) with keying material (equivalent to components for producing at least one encryption key pair) and issues (equivalent to assigned) the user with a public key using the keying material (equivalent to components for producing at least one encryption key pair) which is provided by the certifying authority (equivalent to a trust center) as shown in Column 2, lines 41-52. Once the certifying authority (equivalent to a trust center) receives a request from the entity (equivalent to the user), the certifying authority (equivalent to a trust center) authenticates (equivalent to check) the identity via a second communications by using the public key which was previously issued to the entity (equivalent to the user) as shown in Column 2, lines 53-57. After receiving a successful authentication, the requesting entity (equivalent to the user), protects the public key and address to the certifying authority (equivalent to a trust center) by using the keying material (equivalent to components for producing at least one encryption key pair) which was issued by the certifying authority (equivalent to a trust center) in Column 2, lines 58-63. Therefore, once the identity is confirmed/verified by the certifying authority (equivalent to a trust center), a new certificate is issued to the entity (equivalent to the user) via the second secure communications and the public key which is issued assigned to the entity by the certifying authority (equivalent to a trust center) for public use by other entities (equivalent to other users). The new certificate is encrypted by the public key which is a part of generated signature key pair as shown in Column 2, lines 64-67, and Column 3, lines 1-2..

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